

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

A.F. AND S.F., INDIVIDUALLY AND §
AS NEXT FRIENDS OF THEIR SON, K.F., §

Plaintiffs, §

v. §

C.A. No. 12-2755

PASADENA INDEPENDENT §
SCHOOL DISTRICT, §
SHILOH TREATMENT CENTER, INC., §
AND CLAY HILL §

Defendants. §

PASADENA INDEPENDENT SCHOOL DISTRICT'S
NOTICE OF REMOVAL

Defendant Pasadena Independent School District (PISD or the District), file this Notice of Removal with the consent of Defendants Shiloh Treatment Center, Inc. and Clary Hill and pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446 as follows:

1. The action to be removed is *A.F. and S.F., Individually and as Next Friends of Their Son, K.F. v. Pasadena Independent School District, Shiloh Treatment Center, Inc. and Clay Hill*, Cause No. 2012-06394; pending in the 127th Judicial District Court of Harris County, Texas. Plaintiffs filed suit against Defendants on February 1, 2012. Plaintiffs requested a jury trial in state court.

2. On August 20, 2012, Plaintiffs filed their Sixth Amended Petition asserting, for the first time, a federal claim under 42 U.S.C. § 1983 alleging a violation of their rights under the Federal Constitution. Plaintiffs have also asserted claims of negligence under the

Texas Tort Claims Act. This case is removable because Plaintiffs' claims, as plead in their Sixth Amended Petition, arise under federal law. Because Plaintiffs have asserted claims under 42 U.S.C. § 1983, this Court has federal question jurisdiction over Plaintiffs' claims.

3. This Notice of Removal is timely filed, in accordance with 28 U.S.C. § 1446(b), within thirty (30) days of Defendants' receipt of Plaintiffs' Sixth Amended Petition, in which they assert their 42 U.S.C. § 1983 claim for the first time.

4. The following items are attached as exhibits to this Notice of Removal:

Exhibit A: An index of items filed with the Notice of Removal;

Exhibit B: Certified copies of pleadings asserting causes of action and all answers to such pleadings;

Exhibit C: All executed process in the case;

Exhibit D: All orders signed by the State Judge;

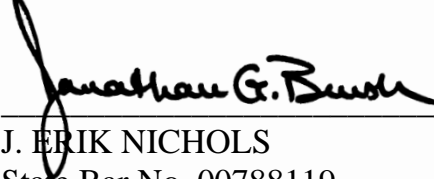
Exhibit E: The docket sheet;

Exhibit F: List of all counsel of record, including addresses, telephone numbers and parties represented.

5. As evidenced by the signatures below, all Defendants consent to the removal of this case to federal court.

Respectfully submitted,

ROGERS, MORRIS & GROVER, L.L.P.

A handwritten signature in black ink, reading "Jonathan G. Brush". The signature is written in a cursive style with a large, looping initial 'J'.

J. ERIK NICHOLS

State Bar No. 00788119

Fed I.D. No. 13066

Email: ENichols@rmgllp.com

JONATHAN G. BRUSH

State Bar No. 24045576

Fed. I.D. No. 619970

Email: JBrush@rmgllp.com

STEPHANIE E. MAHER

State Bar No. 24074637

Fed I.D. No. 1276996

Email: SMaher@rmgllp.com

Rogers, Morris & Grover, L.L.P.

5718 Westheimer Road, Suite 1200

Houston, Texas 77057

Telephone: 713-960-6000

Facsimile: 713-960-6025

ATTORNEYS FOR DEFENDANT
PASADENA INDEPENDENT SCHOOL
DISTRICT

By Consent,

WES GRIGGS

State Bar No. 08489100

301 South 17th Street

P.O. Box 517

West Columbia, Texas 77486

Telephone: 979-345-5188

Facsimile: 979-345-4246

ATTORNEY FOR DEFENDANTS

SHILOH TREATMENT CENTER, INC. AND

CLAY HILL

JOHN C. CARSEY

State Bar No. 03898800

Federal I.D. 28459

Email: jcarsey@mbfc.com

Minton, Burton, Bassett & Collins, P.C.

1100 Guadalupe Street

Austin, Texas 78701

Telephone: 512-476-4873

Facsimile: 512-479-8315

ATTORNEY FOR DEFENDANTS

SHILOH TREATMENT CENTER, INC. AND

CLAY HILL

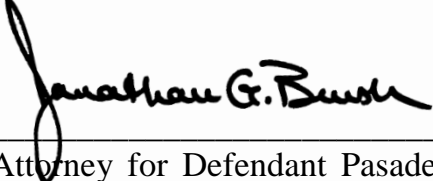
CERTIFICATE OF SERVICE

I hereby certify that on the September 13, 2012, I (i) electronically filed the foregoing document with the Clerk of Court using the CM/ECF system and (ii) served on counsel for the parties *via* certified mail, return receipt requested, at the following addresses:

Joseph R. Little
440 Louisiana Street, Suite 900
Houston, Texas 77002
(Via Certified Mail, RRR)

Wes Griggs
301 South 17th Street
P.O. Box 517
West Columbia, Texas 77486
(Via Certified Mail, RRR)

John C. Carsey
1100 Guadalupe Street
Austin, Texas 78701
(Via Certified Mail, RRR)



Jonathan G. Bush

Attorney for Defendant Pasadena
Independent School District